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AN OPEN LETTER

To the Honorable C. H. Grosvenor,

IN REPLY TO

RECENT ATTACKS

ON

The Civil Service Law and Rules.

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AN OPEN LETTER.

OFFICE OF THE
NATIONAL CIVIL SERVICE REFORM LEAGUE,
54 WILLIAM ST., NEW YORK.

TO THE HONORABLE C. H. GROSVENOR,
House of Representatives,
Washington, D. C.

SIR:

You are the author of an address of some fifty-two columns length, not as yet delivered, but printed in the *Congressional Record* of August 11, last, with the permission of the House. In this paper, which you entitle "Civil Service Reform Run Mad," you attack the existing civil service law and rules in language somewhat violent, declaring in conclusion that you will "ask the Congress of the United States to 'modify' the law," threatening to repeat the speech itself, by way of argument to that end, and adding that no Committee on Reform in the Civil Service, or any other power, shall "smother" you. Since the reassembling of Congress you have given further evidence of your intentions in this regard. You have assumed the position of leader in a movement to induce your party to repudiate its pledges, and to take those "backward steps" it has given its word of honor it will not take.

You will pardon me, therefore, if, in view of your prominent relation to this highly important matter I address to you publicly, as the occasion requires, certain exceptions to your arguments, and to your methods, that I trust will have fair consideration.

You have based your attacks on the law, and your justification for your course, on a series of either untrue or irrelevant statements peculiarly flagrant in their character and calculated to deceive to a serious degree those who are interested in the subject, both in and out of Congress. These statements are contained in your printed speech. It is of the greatest moment, just at present, that they be pointed out plainly, for it is not to be conceived that any considerable proportion of your fellow members, when in possession of the actual facts, will aid you in such a movement as you are encouraging. The merit system in public administration, developed by successive Presidents, and consistently maintained by the President whose policy you are now opposing, is too valuable to the people of this country to be sacrificed, or in any degree impaired, through a campaign of false pretences.

Let me select from your collection those misstatements that you are in the habit of employing most frequently:

THE SCOPE OF THE CIVIL SERVICE ACT.

(I.) The civil service law now applies, approximately, to 87,000 officers and employees in the Executive Service, in a total of 178,000. It covers all positions except those in the Legislative and Judicial branches, those filled by the President subject to confirmation by the Senate, the fourth class post-offices, the common laborers, and several thousand miscellaneous places of minor grade. The rules except also, from competitive examination, certain deputies, attorneys and private secretaries to the number of 1,200. The examinable classes include, in short, positions the incumbents of which have nothing to do with the carrying out of the political policies of the government, and that are of a business nature only. The law requires that appointments to all of these shall be thrown open, on equal terms, to all citizens, the ultimate selections to be made from among those who are proven by careful examination to be most fit. You declare that this condition has been brought about "illegally" and "fraudulently," and you add:

> "It (the law) was never intended to cover anything but the Departments in Washington, and that alone in its application to the clerical force."

The law declares, practically in its own terms, that it was intended to cover *exactly* the positions to which it now applies. There are, as you are probably aware, two principal acts regulating the administration of the civil service. The first is known as Section 1753 of the Revised Statutes, and became a law on March 3, 1871. It provides that the President may "prescribe such regulations for the admission of persons into *the civil service of the United States* as may best promote the efficiency thereof and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for *the branch of the service* into which he seeks to enter," adding that the President may also establish regulations for the *conduct* of such persons, after appointment. You will observe that this grant of authority is very sweeping. The act of January 16, 1883, conferred very much the same authority, but went farther, in that it prescribed the methods to be followed and expressly directed that certain parts of the service should be classified at once; leaving the others to be brought in gradually, in the discretion of the President. The parts immediately affected comprised the departmental service at Washington—including "subordinates, clerks and *officers*," and those Post-offices and Custom Houses outside Washington, having fifty or more employees. The act then required that the Postmaster-

General should "from time to time, on the direction of the President," arrange in like classes clerks and persons in the postal service, "in connection with any other post-office," and that the Secretary of the Treasury should perform a like duty with regard to the smaller Customs districts. To provide for all other extensions the act contained the following perfectly explicit language (Section 6, Sub-div. 3):

> From time to time said Secretary, the Postmaster-General, and each of the heads of departments mentioned in the one hundred and fifty-eighth section of the Revised Statutes, and each head of an office, shall on the direction of the President, and for facilitating the execution of this act, respectively revise any then existing classification or arrangement of those in their respective departments and offices, and shall for the purpose of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and offices in the public service pertaining to their respective departments *not before classified for examination.*

To fix the limit beyond which these extensions should not pass, it was provided that "Any officer not in the Executive branch of the Government, or any person merely employed as a laborer or workman" or, unless by the direction of the Senate, "any person who has been nominated for confirmation by the Senate," should not be required to be classified. Then, to make *more* plain, if possible, the authority granted *within* these limits, it was further provided (Section 7) that "Nothing herein contained shall be construed to take from the President any authority, not inconsistent with this act, conferred by the 1753d section of the Revised Statutes."

Referring to the plan and scope of the act, the Senate Committee on Civil Service and Retrenchment of 1882, in their report on the subject to the Senate, wrote as follows:

> It is conceded that the party in power must fill the higher official places, which fairly represent its principles and policy, and subject to whose legal instructions the whole subordinate administration is to be carried on. But the subordinates in the Executive departments, whose duty is the same under every administration, should be selected with sole reference to their character and their capacity for doing the public work. This latter class includes *nearly all of the vast numbers of appointed officials who carry into effect the orders of the Executive or heads of departments, whether at Washington or elsewhere.*

The Committee then proceeded to explain, what, as we have seen, is so perfectly patent from an examination of the statute itself, that the plan was "tentative" in that it was to be applied *first* under limitations; that it could be "extended readily at any time;" and that ultimately it was to embrace within its scope *all* of that class of officers mentioned in the paragraph I quote.

Following a course that you proclaim to be "illegal" and "fraudulent," successive Presidents have, "from time to time," revised the classification, until it now covers a large

proportion of the *classifiable* offices, though not all. The last of the series of revisions made by Presidents Arthur, Harrison and Cleveland, dated May 6, 1896, contains the following preamble:

In the exercise of power vested in him by the Constitution, and of authority given to him by 1753d section of the Revised Statutes, and by an act to regulate and improve the civil service of the United States, approved January 16, 1883, the President hereby makes and promulgates the following rules, and revokes all others.

You will not, except at the risk of chaffing from your legal friends, repeat your charge that the several grants of authority therein cited do not cover every extension of the civil service rules that has as yet been made.

EXTENSIONS HAVE NOT GIVEN PARTISAN ADVANTAGE.

(II.) The next statement to which exception must be taken is that, through the several extensions that have been made, and more particularly through those of the last preceding administration, undue advantages have been secured to either one party or the other—secured, in fact, to such a degree that the intervention of Congress is needed to correct abuses. You say, for instance:

"Before I get through I will attempt to show that the greatest brutality of spoilsmanship that ever disgraced the American people was under the head and cover and mask of civil service reform, by a technical and absolutely accurate following of this law and the orders of its promulgation and enforcement by the recent administration."

This, I take it, is at once an inadvertent admission that you were not quite right about the authority for extensions, and a charge that the orders of the last administration, such as they were, served the ends of "spoilsmanship." It is not my purpose to defend Mr. Cleveland; I am not sure that in this regard he needs defense; but when you make his orders one of the bases of your attack on the general system I am bound to consider them. Let us have the facts:

Mr. Cleveland during his second term, extended the rules to 33,169 positions not previously subject to examination. The exact nature of these positions I shall explain farther on. For the present, it suffices to say that, practically, not one of the incumbents affected was protected from removal for any reason within the judgment or caprice of his superior officer, whether the latter might be a Democrat or a Republican. Your statement that any such employee *was* "protected" by his inclusion in the classified service is absolutely and unqualifiedly false. Such a charge could be made neither against the last administration or any of its predecessors.

In view of the exceptionally keen interest you have shown in the operations of the civil service law, I cannot doubt that

you have long since discovered that until the orders issued by President McKinley on the 27th of July, last, the civil service rules contained no provision that had been practically operative in preventing a dismissal for any reason a superior officer chose to assign.

You may say that even though Mr. Cleveland did leave the power of removal practically unrestricted, he had filled so many offices with Democrats before classifying them that the appointment of the successors of these through competitive examination—which is the real result of the extensions—will not equalize the political proportion for some time to come. That, however, would be equally untrue and unfair. As a proof of this I could offer nothing better than a list of the actual classifications since January 16, 1883, arranged with reference to the political character of the administrations under which they have taken effect. The official records show that 13,924 officers and employees were embraced in the original classification in 1883, that 57,707 have been added through Executive extensions, and that 15,467 have come in through the natural expansion of the service. President Cleveland's order of May 6, 1896, while nominally classifying 31,372, in reality covered 5,063 Navy Yard employes—placed under the rules by Secretary Tracy in 1890—as well as 5,536 Treasury employees, in the Revenue Cutter Service and other branches, who had been under examination regulations for many years. It included also 5,216 field employments in the War Department, that had been in no sense political. The new classification was made comprehensive for the sake of uniformity. It is to be remembered, as well, that the inclusion of the Railway Mail Service in 1888, was deferred until May, 1889, and must therefore be credited, so far as the actual application of the rules is concerned, to the administration of President Harrison.

The record of classifications, therefore, will read as follows:

REPUBLICAN:		DEMOCRATIC:	
1883–5.		1885–9.	
Original Classification	13,924	Extensions of President Cleveland, less Railway Mail Service,	1,939
1889–93.		1893–7.	
Extensions of President Harrison,	8,690	Extensions of President Cleveland, prior to May 6th, 1896,	10,396
Railway Mail Service (Application suspended to May 1, 1889),	5,320	Extensions of May 6, 1896, less Navy Yard employees,	26,309
Navy Yard employees, placed under rules by Secretary Tracy,	5,063		
	32,987		38,644

(Republican.)	32,987	(Democratic.)		38,684
		Less Non-political branches, Treasury Bureaus previously under examination systems.	5,536	
		Employees of the Engineers and others in War Department, .	5,216	
				10,752
	32,987			27,892

Recapitulation :	Under Republican Administrations, . .	32,987
	Under Democratic " . .	27,892
	Non-political, ...	10,752
		71,631
	Natural Growth, ...	15,467
		87,098

The Republican party, which was responsible principally for the enactment of the civil service law, is as clearly entitled to credit for the extensions that have since been made as is the Democratic party; and, I may add, that whatever attempts you may make to deny that credit, are bound to be profitless.

If it is to be assumed that all of the persons classified from time to time have been adherents of the party in power, it will be seen, on examination of the table given above, that the relative proportion has been pretty evenly maintained. What justice there can be in a charge that the extensions of the last administration subserved political ends any more than those of the preceding administrations, it is difficult to conceive. Furthermore, an analysis of the extensions of the Cleveland administration shows an even lower proportion of inclusions that you might term political, than appears from the table itself. Besides the War and Navy employees, 2,061 were Indians employed in the Indian Service, and subject to non-competitive examination only; 4,120 were pension examining surgeons, paid by fees and removable from the classified service by a reduction in the amount of such fees. Perhaps 18,000 were of a class either exceeding or approaching in importance those classified originally in 1883. These are not speculative figures, you will understand; they may be verified with very little trouble if you are disposed to consult the official records.

In the branches last mentioned, the political proportion was in some cases preponderantly Democratic, but in others was fairly equal. There is the Government Printing Office, for instance, concerning which I find abundant mention in your speech. The roster of that office for August 1, 1895, the

date on which the rules went into effect, showed that of the 2,710 employees, 842, or 31 per cent., had been appointed by Mr. Benedict, the Democratic Public Printer then holding office, while 1,203, or 44 per cent., had been appointed by Mr. Benedict's Republican predecessor, Mr. Palmer, and 665 had served in the office over seven years, both under Mr. Benedict and under Mr. Palmer. I will give a few other instances: In the Post Office Department, the records show that the total salaries of the superintendents, division chiefs and chief clerks, classified under the order of May 6, was $83,000, and that of this sum the appointees of the Cleveland administration drew $38,300, and the former appointees $45,500. In May, 1894, a census of the Pension Office showed that there were 266 Democrats and 1,160 Republicans on the rolls, omitting from the compilation 421 women. On March 3, last, there were in the Sixth Auditor's Office, according to the sworn statement of Auditor Howard, 216 Democratic employees and 271 Republican, the former drawing $257,480 in annual salaries, and the latter $308,560. In the office of the Comptroller of the Currency, still under a Democratic head, three-fourths of the clerks are Republicans, as Mr. Eckels, I think, will cheerfully testify. These are fair illustrations. In other departments Democrats will be found in a majority, but it is the average we are considering. In the Internal Revenue Service, the Secret Service—an instance you cite—and in other branches, there is no doubt that the proportion of Democrats left by Mr. Cleveland was large, but these cases differ little in degree from that of the Free Delivery Post Office Service, where the 7,600 employees classified by General Harrison were Republicans almost to a man.

The changes under the last administration that attracted the most attention were, undoubtedly, those in the higher offices of the Treasury and Interior Departments. There, many good officers, division chiefs and others, were unjustly removed, but the subsequent classification of the positions did not prevent the correction of such injustices. The proof of this is right at hand, for there have been many changes among officers of this class under the present administration. In the Pension Bureau there are but two of the old chiefs, out of twenty, that remain. To recapitulate: Is there a case in the entire list where a classified employee has been "protected" by Mr. Cleveland's orders; is it not plain that the political proportions of the service have been equally maintained, and if not,—and it were important that they should be, —is it not perfectly patent that it has been wholly within the power of the officers of the present administration, regardless of President Cleveland's acts, to correct as many inequalities as they might have seen fit?

REMOVALS NOT GOVERNED BY THE LAW: THEIR PROPORTION.

(III.) In another part of your paper you print a number of tables showing in detail the changes in the departmental service during the past administration. You declare that a careful study of these figures will enable one to reach:

"A comprehension of the magnitude of this sweep—all done under the head of civil service reform."

Herein you admit, perhaps again inadvertantly, that the "protection" you have talked about does not exist, for the removals mentioned occur in both classified and unclassified places. It is necessary to remind you again, nevertheless, that these things were *not* done "under the head of civil service reform," for the reason that the rules at that time governed neither removals nor reductions. Why you should charge the law with responsibility for failing to accomplish that for which there was no provision in the law, is unfathomable.

Your own tables, however, convict you of other strange conceits. They show that the changes made were relatively few, and that your story of thousands of places vacated by Mr. Cleveland, to be filled by his appointees, and placed "under the protecting aegis" of civil service reform, is sadly at fault. You include the figures for the Department of Agriculture, which were prepared on a different basis from the others, and covered many hundreds of crop reporters and similar employees, who are changed frequently and for all sorts of reasons. For the sake of clearness I will leave out this Department—which is a little one and can be spared—and give the figures revised, as follows:

SEPARATIONS.

DEPARTMENT.	Removals.		Resignations.		Deaths.		Total Positions in Departments.
	Competitive.	Unclassified or Excepted.	Competitive.	Unclassified or Excepted.	Competitive.	Unclassified or Excepted	
State	2	1	6	8	1	—	122
Treasury	395	728	376	290	86	31	4,443
War	298	71	227	30	76	12	1,317
Navy	4	51	11	20	9	10	450
Post Office	16	73	45	36	11	2	991
Interior	353	301	296	245	110	16	3,556
Justice	1	1	8	35	2	3	137
	1,069	1,226	969	664	295	74	
Totals		2,295		1,633		369	11,016

APPOINTMENTS AND CHANGES OF STATUS.

DEPARTMENT.	*Appointments.		Reinstatements.		Promotions.		Reductions.	
	Competitive.	Unclassified or Excepted.	Competitive.	Unclassified or Excepted.	Competitive.	Unclassified or Excepted.	Competitive.	Unclassified or Excepted.
State.....	9	19	1	—	21	2	7	3
Treasury...	726	1,144	110	80	1,370	245	347	71
War.....	152	133	—	—	375	12	268	2
Navy.....	39	80	—	—	45	19	19	8
Post Office,	93	161	—	—	226	18	58	4
Interior....	345	684	180	145	1,341	228	630	38
Justice.....	90	5	—	—	61	23	—	1
	1,454	2,226	291	225	3,439	547	1,329	127
		3,680		516		3,986		1,456

* Not including reinstatements.

Total.—Separations by removal, resignation and death 4,297
" —Appointments and reappointments.....4,196
" —Reductions.....1,456
" —Promotions.....3,986

It will be seen that a majority of the removals occurred in the unclassified branches—those covered in part by subsequent classifications, but that even in the case of these, in the entire departmental service, the total for the full period was but an average of about 300 a year, with 664 resignations to be added. The figures you give for the classified branches may be explained briefly and conclusively. Of the 1,069 removals in these, more than 800 were made in pursuance of the Dockery Retrenchment Acts, mainly where positions were utterly abolished. You could hardly have been ignorant of that fact when you wrote that "In the War Department 324 of those covered by the civil service were actually removed and 239 resigned, and these places filled and seized upon by the tidal wave of reform." All but eight of the removals in the classified service of the War Department were occasioned by the Dockery legislation.

I might congratulate you on the fact that owing to the patriotic action of President McKinley, even the unrighteous removals of which you complain will occur less frequently in the future, were it not for the strangely anomalous character of your reasoning. You devote quite a third of your speech to an exposition of the "brutality" of political removals, in certain branches of the service, and another third, in the aggregate, to an argument for the application of the same principles to every branch.

THE TREATMENT OF VETERANS.

(IV.) To return briefly to your tables, I quote you as follows:

"They succeeded during this administration in getting out of those departments 1,028 Union soldiers: 550 were appointed, but largely by promotion from lower grades, and this is the performance that stands to-day unrebuked, etc.. etc."

Again excepting the Department of Agriculture, it appears that the total separation of veterans, by removal, resignation and death, was 873, of whom but 513 were removed. During the same period 375 were appointed and 329 were promoted. The latter were not included in the total of appointments; they were additional.

THE PRINCIPLES OF WASHINGTON.

(V.) As an excuse for indiscriminate political proscription, with removals of officers of every grade at the end of a stated period, and in the manner you have so sternly condemned, you quote the following from a letter of Washington to Pickering, then Secretary of War:

"I shall not, whilst I have the honor to administer the Government, bring a man into any office of consequence knowingly whose political tenets are adverse to the measures which the General Government are pursuing; for this, in my opinion, would be a sort of political suicide. That it would embarass its movements is most certain. But of two men equally well affected to the true interests of their country, of equal abilities and equally disposed to lend their support, it is the part of prudence to give the preference to him against whom the least clamor can be excited. For such a one my inquiries have been made, and are still making. How far I shall succeed is at this moment problematical."

Having invoked this high authority you exclaim, with evident feeling:

"Little did he ever dream that the hour would come in American history when the President would have been forced by law to yield the appointing power, given him by the terms of the Constitution, to a bureau independent of the President, and whose orders, if he shall violate them, will lay him liable to indictment and impeachment."

Is it possible, Sir, that you have not read the whole of the letter from which you quote? And are you really unaware of the fact that the office which, according to the very language of that letter, Washington had in mind, was the Attorney-Generalship—a place in his own Cabinet? For you to resort to such a precedent as a reason for turning out any officer now in the classified service who may differ from the President in his notions about the tariff or the currency, is manifestly absurd. There is not a single officer having to do with the policies of the government who is not selected to-day for Washington's reasons, and without restrictions of any sort except those fixed by the Constitution. There are 4,800 such officers, appointed

by the President, to whom the civil service act has no relation whatever.

When we come to the *non*-political offices there is another rule of Washington's that you might have quoted more appropriately. He would consider, he declared, three things (Writings IX, 479): "(a) Fitness, (b) Comparative merits and sufferings in the service, and (c) The equal distribution of appointments among States." You will find, I think, that these principles agree fairly with those of the civil service system of to-day. I hardly need add a reminder of Washington's familiar warnings against the excesses of party spirit, a thing that you would encourage by offering a loot of the public service as the prize, and even the issue of our political contests.

To return to your comment on the Pickering letter, let me assure you that the President has not been "forced by law" to yield any of his powers to "an independent bureau." On the other hand, Presidents Grant and Arthur, under whom the civil service acts were passed, *asked* Congress for them. Each extension since made came of the voluntary action of the Executive, in pursuance of the authority given by Congress in response to those requests. But the Presidents have not even limited themselves their constitutional power of appointment. The Constitution, as you may know, specifies certain officers that the President may appoint, and adds: "But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the Courts of law, *or in the heads of departments*." The offices covered by the civil service law, with the exception of about a score of minor consequence, are all of this third class. So far as these are concerned, the United States Supreme Court has held (U. S. v. Perkins, 116 U. S. 483) that:

> The head of a department has no constitutional prerogative of appointment to offices independently of the legislation of Congress, and by such legislation he must be governed, not only in making appointments, but in all that is incident thereto.

The President, as the head of the Executive branch, controls, of course, the action of his department officers, but he is responsible only indirectly for their appointments, and in promulgating the civil service rules he in no way infringes his own authority. As the rules are his own, and not those of the Civil Service Commission, the cases in which he will be impeached for violating them will be rare. Of course, the appointing power is not yielded in any event to the Commission. The department officer makes his own selection, but from among those certified by the Commission to be the most fit. The process by which the candidate becomes eligible for certification is in some measure automatic. His own merit gives him his chance, and not the action of the Commissioners. To speak of the Commission as an *appointing* body is flagrantly incorrect.

THE FALLACY OF THE "LIFE TENURE" ARGUMENT.

(VI.) Having shown the wide difference in the relation of the law to offices of the presidential class and those that are ministerial only, permit me to take exception to one or two of your statements concerning the relation of the latter to the actual administration of the government. I shall show presently that through the establishment of a trained body of subordinates the public business has been expedited to a remarkable degree, and that, as a direct consequence, many millions of dollars have been and are being saved to the public treasury. I shall show also that for this and other reasons, the filching of a single office or branch from the merit system at this juncture will be resented by the people as quickly as it is understood. But another matter first:

You say that the continued employment of men who are fitted and trained for the work they have to do develops "life tenure in the public service," creates a "class separated from the common people of the country" and "saps the fundamental principle of a government by the people." Pardon me if I suggest that this is talk of an exceedingly reckless description. There is no "life tenure" in our civil service. An employee, even under President McKinley's rule, may still be dismissed for reasons satisfactory to the department officer. He is permitted to present a defence, but that must be in writing; it involves no "trial," as you have persistently declared, and the decision of the superior officer is final. The President's rule, which by the way did not exist on the date on which your sentiments were written, but appeared before they were printed, guarantees merely that so long as a man's work is well done he is to be rewarded by decent treatment. That is *merit* tenure, not life tenure. If anything could be more essentially American you have not suggested it. Nor have you explained why the non-political public servants form a "class separated from the people." If you mean that they are snubbed, both sides will resent it. If you mean that these clerks and mechanics, and inspectors and scientific workers, form an "aristocracy," both will be amused. If these officers and employees form a "class" of any sort it is a class of faithful, honest and capable men and women, from among whom the drones are rapidly being driven, and the character of whose services is making their calling constantly more honorable. To be a member of the Civil Service will be as proud a thing to an American citizen before very long as it now is to be a member of the Military or Navy service.—You have not explained, by the way, why for consistency's sake you do not advocate the disbanding of the army every four years, and the handing over of the ships to untrained men.

But while a reasonable degree of permanence *has*

been secured in the government's business force, the tenure of each man and woman continues to depend *solely* on the faithful and efficient performance of duty. If a clerk keeps his books badly because he doesn't believe in the tariff policy of the administration, if a compositor sets his types face downward for the same reason, or the chief of a counting room or shop relaxes his discipline, that man is pretty sure to go, for his fault will be quickly discovered. But these things do not happen. Your own theory that employees of a different political faith "hate the administration and look forward with hope and joy to its ultimate overthrow" I think will be shared by very few of the gentlemen who compose the administration, and who are really the most directly interested. The President, for instance, continues as Executive Clerk the gentleman who held the same confidential post under his predecessor, though he might transfer him to any other he pleases. The Secretary of the Navy retains as private secretary the gentleman he found occupying that office, and similar instances might be related by the score. If such employees may be safely retained and trusted, is it not fair to assume that the occupants of the minor positions may also be?

The many other reflections on the character of the men in the service, contained in your speech, I may add, are quite as unjust as this one.

That the classified service is permanent only so far as it *should* be, to conform to the elementary rules of good business administration, is shown clearly by the fact that the changes in the personnel are not only quite up to the average of those in private establishments—in connection with which, by the way, we seem to hear no talk of "life tenure"—but often beyond.

Many who, after a period in the Service, have the opportunity to better their condition in private employment, resign. Many retire for other normal causes, and others are removed in the course of necessary discipline.

The vacancies thus created are sufficiently numerous to warrant a large number of annual appointments. Since 1884, and up to January 30, 1896, there had been 48,421 persons appointed under the provisions of the civil service act, and the annual rate is now above 5,000. What do you mean then when you say that this system "bars access" to "The voters, the electors—who stand absolutely equal before the law?" Are not these thousands who have secured appointment citizens of the United States? And is it not true that each of them have been received on an absolutely equal basis and afforded an absolutely equal chance, according to merit, to enter the service of the government? And this, by the way, brings me to an important subject:

THE DEMOCRATIC CHARACTER OF THE SYSTEM.

(VII.) Speaking of the claims of the men who, in 1896, "marched thousands and thousands of miles to hear the words of encouragement and instruction from the President," you say:

"They worked for the country and they worked for the candidates, and I protest when I find that when they apply for admission to participation, on equal terms, in the administration of the government, a door of a bureau is slammed in their faces, and they are told that they are good enough to vote and march and carry banners and transparencies, but they are not good enough to hold office under the government unless they compete in scientific literary knowledge with the students of colleges with wealth."

Here, as in the last paragraph that I quote, you touch one of the vital points of this discussion. You make it easy to show that the competitive merit system is the most democratic that could be devised, and that in seeking to restrict it you seek to take from the young men of the country that very equality of opportunity that you discuss with such strange logic; and which, I may add, it is their right to enjoy. Let us consider for a moment the actual nature of the system: A certain number of men and women are required annually for the government service; it is announced that each office or employment, not filled by promotion, is open to free competition in which any citizen of good character may participate. The qualifications required in each case are stated by the officer who is to appoint and advertised by the Civil Service Commission; those who believe they possess these qualifications are permitted to enter applications, stating, where necessary, their previous experience, and accompanied by testimonials as to character and habits from a number of reputable persons of their acquaintance; twice yearly, or, in special cases, as often as necessity requires, these applicants are called together at the city most convenient to their homes in order that the qualifications they believe they have may be ascertained by examination. The questions and tests relate directly to the duties they will, if successful, be expected to perform. If the applicant desires a clerkship he is examined with regard to penmanship, copying, tabulating, or skill in some special branch, such as book-keeping or stenography; if he is a mechanic, he is tested merely in the use of his tools, or possibly with reference to his physical ability—such a man, not being required to write his own name if it happens that he cannot; if he is a scientific worker the examination relates to scientific subjects, if a physician or lawyer, to the special practice for which he is required, or, if he is to be a director of some special work, to his experience, technical knowledge and ideas of administration. The tests, in every important case, are prepared after consultation with the department officers. If more convincing proof of their practical nature is necessary, I would sug-

gest a reading of the sketch contained in the admirable report of the Chief Examiner of the Civil Service Commission, issued a week ago.

When the candidates for a given position have been marked and graded according to the ability they have shown, those standing highest are given the earliest opportunity for appointment, the department officer selecting from the first three, and the others taking the next turn for certification. If the position is fiduciary in character, a bond may be exacted in any amount the appointing officer deems necessary for his protection. An officer who discriminates against such a candidate at this juncture, however, because of his political or religious opinions is himself liable to removal. The appointee for six months serves on probation. If there is any necessary quality that the examination has failed to disclose, and that he does not possess to a sufficient degree, it is quite certain to appear during this period and to result in his rejection. It is only at the end of the probationary period that the appointment is made absolute. After that the employee depends on his own good work for retention and if he fails, may be dismissed in the simple and proper manner that President McKinley has prescribed. While it is becoming the rule, as the system develops, that the places in the higher grades shall be filled by the promotion of employees who have served best in those of the lower, thus offering a further incentive to good work, the method of *entrance* to the service, or of appointment in special cases as they arise, remains as I have outlined it.

Here is equality of opportunity that cannot be gainsaid. And it is this system, opening the way on the fairest of terms to the various branches of the public service, that you propose either wholly or in part to break down, substituting the old plan under which the man who has the favor of a local political potentate has the best, nay the only, chance of appointment, and under which the real equality of opportunity is to be abolished. Your statement that the scheme you propose has "popular" support I deny unhesitatingly.

It may be added that, under the present system, the men who marched "thousands and thousands of miles" to Canton will be received on *perfectly* equal terms when they apply for offices; but when they are given offices it will be for the reason that they are able to perform the duties attached to them, and not merely *because* they "marched and voted and carried banners and transparencies." The door of the Bureau you have in mind is not "slammed in their faces"; it is opened to them widely. I venture the suggestion, moreover, that a great many of them went to Canton from different motives from those you suggest, and that the things that inspired these most were the principles for which they and their leader were contending.

The sole basis of your charge of inequality under the merit system seems to be the exploded fiction about the "college graduate." The Civil Service Commissioners will tell you that eighty per cent. of the men they have passed have come from the country's common schools, and that ten per cent. more have come from the academies and business schools. They will give you the exact figures if you wish them, showing, moreover, that the few college men who *have* been appointed are employed almost wholly in those scientific and professional positions for which *only* those who have had a college training would be eligible. To repeat that fiction, especially in the manner of language in which you have employed it, is a most unfair proceeding. You give another illustration of the "injustice" the system works to the average citizen; you find that he must pay 25 cents to the notary who witnesses the signature to his application papers, and, in extreme cases, 10 cents for car fare, in going to and from the board rooms. This you call "obtaining money under false pretenses," in as much as the Commission admits many persons to the examinations who never secure appointments; more, that the Commission, by subtle pursuasion, *induces* such persons to compete, knowing that the sole result will be the enrichment of some notary or street car monopoly. You may not know that the Commission sends to each applicant a pamphlet, giving among other things the table of examinations and appointments for some years past and pointing out, as clearly as possible, the chance that each will have to succeed. That should be made plain, though your argument of the expense to the candidate cannot be taken seriously. You give two columns to it, but do you not perceive that people of a statistical turn of mind will begin to figure out the cost to the candidate under the *former* plan, including in most cases railroad tickets to Washington, hotel board, entertainment, and all the other items that bankrupted so many zealous office seekers in those unforgotten days. There are few who will not assure you that by comparison the 25 cents, or the 35 cents, expense under the new plan is not immoderate.

HOW EFFICIENCY AND ECONOMY HAVE BEEN PROMOTED.

(VIII.) However, Sir, now that the advantage of the open competitive sytem to the citizen has been considered, let us take up the equally important matter of the advantage to the government. You say:

> "There has never been a cool, deliberate, dispassionate and candid and just argumeut made by these men why this law should be upheld and vindicated. They have never yet dared touch the true test of the efficiency or non-efficiency, the beneficent or non-beneficent character of the administration of this law in the United States. I propose that they shall have an opportunity now."

When we consider your daily walk; how you are compassed

about with the records and reports of many administrations, bearing, as they do, testimony unlimited to the wisdom and to the efficiency of this system, this must be set down as a somewhat bold and remarkable statement. There has hardly been a President, or a department chief, or in fact, any officer who has had a year's experience in the direction of any part of the business of the government, who has not added his commendation of the law.

But you are armed with an argument that is to set this testimony at naught, and make you irresistible. You say:

"In 1883, when the civil service law was passed, there were 131,800 members of the civil service of the government. In 1897 there were 178,717, an increase of 46,917 in thirteen years. This increase is largely out of proportion to the increase in population in the United States, and yet during that period we have had the Dockery act and the report of the Dockery Commission, which was carried into execution, by which it was supposed that a large lopping off of the employees was to take place, but the growth of the civil service domination has been so great that efficiency is no longer the rule."

In brief, you give the increases in the classified and unclassified branches, without distinction, and cheerfully charge both to the operation of the civil service act. Though hardly a tenth of the service was classified in 1883, and less than half to-day, you would have the people believe that the entire growth during these fourteen years,—including even the fourth class post-offices that multiply at the rate of several thousand annually,—has been within the classified service and notwithstanding the merit rules. Here, you say, is proof positive that the system is expensive, and that, "with the growth of the civil service domination," efficiency is no longer possible.

Your ingenuous friend, Mr. Gallinger, figures out that the Civil Service system is expensive because the per capita cost of government has increased since 1860 from $3 to $7, including, of course, the expenditures for pensions, public buildings, rivers and harbors, and all else. But with Mr. Gallinger it has perhaps been an innocent failure to comprehend; in your own case I do not think that so much can be said.

The official records, that are always easily accessible, show that, while in those branches of the service that have *not* been under the rules there have been material increases in the number of employees and in the appropriations for their salaries; in the branches originally classified there has been an actual decrease, notwithstanding the expansion of the departmental functions and the increasing volume of work. It is the *unclassified* growth that has made up the whole of your total of increase. A brief summary of the figures will make this fact perhaps plainer. I give, by way of illustration, those for the originally classified and unclassified Department Service, and those for the Judicial and Legislative branches:

Departmental Service.	1883.	1896.
Officers and employees, unclassified	7,847	10,760
Salaries paid	$6,792,377	$9,746,252
Number of persons subject to competitive examination by original classification	5,530	
Salaries paid	$7,035,820	
Number at present in same classes		5,414
Salaries paid		$6,960,602
Judicial Branch.		
Officers and employees	6	89
Salaries paid	$15,000	$114,150
Legislative Branch.		
Senate officers and employees	154	326
Salaries paid	$276,044	$432,228
House officers and employees	197	591
Salaries paid	$364,028	$624,022

These figures are not of course affected by the more recent additions to the classified service; they are of date of April 1, 1896.

The municipal service of the District of Columbia is another unclassified branch that may be referred to. The figures in this case are as follows:

	1883.	1896.
Officers and employees	1,145	2,575
Salaries paid	$912,826	$1,918,479

The total of all originally classified clerkships at Washington has decreased 3.9 per cent. since 1883, effecting a saving of $228,200 annually. If the number of classified employees had increased at a rate proportionate to that in unclassified branches the additional cost to the government would have been $3,100,620 anually at Washington alone.

There are several perfectly plain reasons for these figures. In the first place, the withdrawal of the power to secure positions through political, or social, or good natured personal influence, has removed the principal cause for the unnecesary increase of the number of such positions. That you will appreciate. Again, it is well known that one man, trained and experienced in a particular kind of work will accomplish often as much as two who are not so trained; and, finally, there is the constant *incentive* to good work in a service in which tenure, as well as advancement, depends upon proved merit alone. It is not strange that with these simple forces at work such figures may be presented. That they are not exceptional may be proved, if that was necessary, by reference to other branches. A file of the reports of the Civil Service Commission will give many instructive instances of increases effected in both economy and efficiency. From this and other sources I will give a few, for purposes of further illustration:

(1.) In the Treasury Department, at Washington, the

number of clerks decreased after classification, from 1725 in 1883 to 1583 in 1896, a difference of 8.2 per cent. In the sub-treasuries, outside Washington, that were unclassified during the same period, the number increased from 76 to 122, a difference of 46 per cent.

(2.) In the Immigration Service, since the extension of the rules to that branch in May, 1896, a saving has been effected of $55,000 annually, by abolishing a number of the positions classified, as they became vacant, for the simple reason that the pressure for such positions had been withdrawn.

(3.) In the Philadelphia Mint, since the classification, although the amount of work accomplished has increased very materially, the number of men employed is 42 less, with an annual saving in expense of nearly fifty thousand dollars.

(4.) Commissioner Carroll D. Wright, who assumed the direction of the Eleventh census, some time before its completion, testified recently that as the result of a careful judgment he concluded that if the rules had been applied in the selection of the clerks and collectors of statistics in 1890, the census would have cost the Government $2,000,000 less.

(5.) The Secretary of Agriculture, in his report for 1896, stated that although the work of his Department had been very much broadened since the application of the rules, there had been a reduction of 280 employees and that during three and a half years there had been covered back into the treasury, almost wholly in consequence of the greater efficiency shown, a total of $2,066,661.

(6.) Postmaster-General Gary, in his report for 1897, shows that since the application of the rules to the Railway Mail Service, the number of correct deliveries of mail pieces to one error has increased from 3,694 in 1888 to 11,960 in 1897. The gradual increase from year to year is as shown follows:

1888	3,694	1893	7,144
1889	3,954	1894	7,831
1890	2,834	1895	8,894
1891	4,261	1896	9,843
1892	5,564	1897	11,960

The low figures of 1890 followed the numerous changes made in the service during the preceding year.

(7.) In his report for the year 1896, the Commissioner of Internal Revenue used the following language:

"I desire to call special attention tot he marked improvement of the service in the field since the classification under the civil service law of the various employees in that branch of the service. This is especially noticeable in those districts in which there has heretofore been a disposition on the part of subordinate employees to enter into collusion with persons engaged in the illicit manufacture and sale of distilled spirits. . . .

"Under present conditions the employee has learned that a serious

infraction of his duty renders him liable to peremptory dismissal from the service, and that without any hope of reemployment. He has also learned that a strict compliance on his part with the law and regulations will place him in the line of promotion and enable him to be advanced to the higher grades of the service."

(8.) The report of the Superintendent of the Bureau of Engraving and Printing, for the same year, shows that notwithstanding the fact that the work of that Bureau has increased over 77 per cent., the force has increased only 11 per cent. While this difference is accounted for in part by the introduction of improved machinery, it is admitted that it is due in greater part to the operation of the civil service law. The difference between the old methods and the new may best be shown by quoting the report made by a commission of Treasury experts who investigated that Bureau prior to the enactment of the civil service law. This will have particular interest in view of the suggestion contained in your speech, that at the time of the passage of the law "There was no necessity for greater efficiency or purer morals in the Departments at Washington, or in the great bureaus in other cities."

The passage from the report that I have in mind is as follows:

"The whole system seems to have revolved in a vicious circle. Appropriations have been secured by making appointments for Congressmen, without regard to the fitness of the appointees or the necessities of the work; and when secured they have been expended in such manner as to retain the good will of those already friendly or to secure that of others. Moreover, the Bureau has been made to subserve to a great extent the purpose of an almshouse or asylum. . . .

"We can not condemn too strongly the system of patronage, which is chiefly responsible for the extravagance and irregularities that have heretofore marked the management of the Bureau, and which, it is safe to say, has cost the people millions of dollars in this branch of the service alone."

(9.) In the Government Printing Office under the old system, as late as 1894, there were 3,381 persons employed. Since the classification, although the amount of work has increased 20 per cent., the force has been reduced to 2,828. One simple illustration of the growth of the work is afforded by the increase in the amount of paper used. In 1894 there were 4,823 tons consumed, against 5,457 a year after the rules had been applied, in 1896.

The foreman of the Specification division of the Printing Office testified recently that by an actual comparison of the number of ems of type set by compositors coming in under the two systems, he found the new men from 10 to 50 per cent. superior to the old. This same officer, who is one of the best known printers in the country, testified that if the merit system had been applied to the Printing Office during the full period of its existence the saving to date would have been $8,500,000.

(10.) General Tracy, Secretary of the Navy, said, in 1892:

"The persons appointed under this system are unquestionably more efficient, as a whole, than those selected under any system of pure patronage."

The Commissioner of Pensions, speaking of the order placing pension agencies under the rules, in 1896, said:

"The wisdom of the change has been demonstrated in the increased efficiency of the clerical force, and the decided improvement in the entire agency service."

Secretary of the Interior Noble added his testimony as follows:

"The Department of the Interior, with its 7,500 clerks, could not be run six months without the great body of the employees being under the civil service rules."

I will end these citations with two from other Cabinet officers, one a Democrat and the other a Republican, that I am sure will be given weight.

Postmaster-General Bissell, in the second year of his term, gave his judgment as follows:

"Another year's experience has served only to strengthen the conviction expressed in my last annual report as to the excellent working of the civil service law in the Post Office Department, and my desire to see its operation extended to every branch of the postal service to which such extension is practicable."

A few years earlier Mr. Windom, then Secretary of the Treasury, wrote:

"The beneficial influences of the civil service law in its practical workings are clearly apparent. Having been at the head of the department both before and after its adoption, I am able to judge by the comparison of the two systems and have no hesitation in pronouncing the present condition of affairs as preferable in all respects."

A volume might be filled with quotations of this sort, but it is not necessary to repeat them. There is no voice of dissent; no Secretary having had that important "year's experience" who does not give the same testimony. The Presidents, without exception, from Grant to McKinley, have spoken in the same tone, and from 1883 to the present day there has not been one of them who has not had the consistent support of Congress. Is it conceivable that their unanimous judgment will be impeached, or that there are gentlemen who, like yourself, in the face of the overwhelming proof to the contrary, will declare that this system does *not* improve the service, or that it has *not* saved millions of dollars of the people's money?

EXCEPTIONS BY LEGISLATION WOULD BE WITHOUT REASON.

(IX.) At the conclusion of your speech you announce your programme as follows:

"I for one, deeply as I feel these wrongs, will not ask the President of the United States, even though my voice may be heeded, to incur the responsibility of reversing the action of his predecessors, beyond that to which his own good sense and good judgment may be commended: but I will ask the Congress of the United States to *modify* this law."

It is here that, after crying out from the quiet recesses of the *Record*, "Mr. Speaker! this voice . . . . this shout of denunciation, has got to be recognized on this floor!" You declare that you will not be "smothered." While your self-control in the matter of the suggestions the President "might have heeded" is more or less commendable, it is not apparent why you should now seek to force him by legislation to do the things you have so generously refrained from asking him to do. There is not a reason, founded in decency or truth, that you can bring in support of the exception of a single branch or office now subject to the civil service rules. If there are individual positions that, for reasons having to do with their peculiar nature, should be excepted, the President has ample power to act, and he has said that wherever he is able to find such a position he *will* act. He informs the Congress that the discretion vested in the Executive will be exercised justly and carefully in every proper case, and you respond with a movement for a vote of "No confidence." What you propose would, under the circumstances, amount to a personal indignity offered the President. Coupled with a repudiation of the party pledge to "take no step backward" on this question, and to maintain and *extend* the application of the civil service law, it would be received by the country in a way you may not expect.

But aside from what may and what may not be the legislative function in this matter, it is the fact, as I have said, that not a single exception that Congress *might* order could be justified. The rules work well in every case; wherever they have been applied efficiency and economy have been promoted, and, what is of equal moment, the offices they cover have, in the best sense, been placed within reach of the people and *belong* to the people.

There are certain specific exceptions to which you have frequently referred, and against each of which arguments may be submitted as conclusive as any this paper contains. I may add that as soon as it may be necessary I shall attempt to give these arguments publicly, and will ask for them the consideration of your colleagues. There are, as well, some two score or more of what I may term your minor misstatements, that may be treated in a supplementary letter, and there is the highly remarkable system you propose to substitute for the present one that is still to be set up for public inspection. This paper was intended to be sufficiently compre-

hensive to cover these things, but it must serve, if useful for any purpose, as a more general survey.

To your fellow members, many of whom have given you sympathy or support for the reason that these statements of yours have been accepted as true and entitled to credit, I think the appeal may safely be made not to permit the taking of a single backward step.

It has been shown that the system includes *only* those branches and positions it was *intended* to include, and *should* include, and that the two great political parties are almost equally responsible for the extensions that, have been made; it has been shown that no real partisan advantage has been gained by any of these extensions, and that even if the Democratic administration had not made those of more recent date the incoming Republican administration would have stood pledged to make them; it has been shown that the improper removals and reductions which, such as they were, have given rise to so much criticism of the system in past years, were not governed in any degree by the civil service law—and it is obvious that if this were *not* the case, President McKinley's wise rule, which guards the future, would not have been needed; it has been made plain that the great body of officers having to do with the political policies of the government are not affected by the law and that an administration is helped, not hampered, by the regulation of the *business* service through business rules; it has been made plain, too, that the "life tenure" so much discussed does not exist, and that the changes in the service for normal reasons are sufficient to give employment to thousands of citizens annually; it has been shown that these citizens are received on a basis of absolute, democratic equality, and that the system through which their qualifications are tested, and the best fitted selected, is in the highest degree practical, quite free from the imperfections and absurdities that are so frequently described by those who ought to know better, and challenging the most careful scrutiny; it has been demonstrated that wherever this system has been applied it promotes economy, that it improves the efficiency of the work done for the government, that it saves millions of dollars to the treasury, and that it frees department officers from the importunities of those who, in the old days, often quite consumed the time required for the business of administration; it *may* be shown that sound reasons for withdrawing any part of the present classified service from the operation of this system, or for the modification of the sensible rules now regulating both appointment and tenure, do not and cannot exist; it is so plainly true that the Republican party is pledged *not* to make such changes that, as I have said, it is inconceivable that a movement such as you are leading, could have for an hour the support of a Member of that party.

The President, having the power to modify the system practically as he pleases, has chosen to uphold and to strengthen it. His course during the past nine months in this regard has won him the applause and the admiration of the people, and his courage and honorable dealing will never be forgotten. It was said in General Grant's day that the administration that accomplished the final establishment of civil service reform would win a glory not less lasting than that which ended human slavery. There can be no doubt that this is true; nor that a large part of that glory will be attached to the administration of Mr. McKinley. The President has kept the party faith. When you ask the people to believe that the Republicans in Congress will not do likewise, they refuse to credit you.

The pledge of the party at St. Louis, made when the lines of the classified service were drawn as they are drawn now, was most explicit:

> "The civil service law was placed on the statute book by the Republican party, which has always sustained it, and we renew our repeated declarations that it shall be thoroughly and honestly enforced and extended wherever practicable."

Speaking in the House, on the 26th of February last, you proclaimed as follows:

> "Mr. Speaker: Important declarations in political platforms are never the result of accident, but are always the result of design. They are always born of conditions existing in the constituents of the party that gives the utterance. The Republican convention at St. Louis was a representative body of a great party in the country, and the men who went there and represented their several constituencies understood the conditions at home. They did not go to St. Louis to declare a platitude, nor to make a declaration that was not demanded by existing conditions, and that was not in consonance with the opinions of their constituents. . . . . It was an occasion that will be a warning to a great many men in this country that they must obey party dictation and follow party standards, or cease to be members of that party."

If it is your purpose to repudiate, yourself, a pledge made and reiterated by the Republican party for thirty years, and thus to drum yourself out of its ranks; if you seek to set up again the "spoils" system in the whole service or in any of its parts, regardless of the interest of the government or of the rights of the people, why not be more frank about it? Make the issue plain, forego your use of false pretences, and no one, Sir, who has at heart the welfare of this reform, need fear the result.

Yours very truly,

GEORGE MCANENY,
Secretary.

DECEMBER 15, 1897.